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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD OF THE 561st MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 21 September 1999, at 3 p.m.

Chairperson: Mrs. MBOI

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS BY STATES PARTIES (agenda item 4) (continued)

Initial report of Venezuela (continued) [CRC/C/3/Add.54; CRC/C/3/Add.59; HR1/CORE/1/Add.3; CRC/C/Q/VEN/1 (list of issues); Written replies of the Government of Venezuela to questions raised in the list of issues (document with no symbol distributed in the meeting room in Spanish only)]

1. At the invitation of the Chairperson, the members of the delegation of Venezuela resumed their places at the Committee table.

2. The CHAIRPERSON invited the acting head of delegation, Mr. Michelena, to answer the Committee's questions 21 to 26 (CRC/C/Q/VEN/1).

3. Mr. MICHELENA (Venezuela) apologized for the absence of Ambassador Rodriguez Cedeño, who had been delayed. Replying to the Committee's questions, he said that the Project for Sustainable Development of the South (Proyecto de Desarollo Sustentable del Sur), in a report published in 1994 evaluating the situation in the border regions, had found that basic services such as housing, health, education and communications had been very poor there on account of the lack of financial and technological resources. Problems also arose in relation to land tenure. Although border areas accounted for more than half of the national territory, inherent problems such as prostitution, smuggling, drug trafficking, guerrilla activity originating in Colombia and illegal mining reflected institutional weakness and the State's inability to exercise proper control. In view of the current trend towards globalization, there was a need to establish a long-term State strategy under the coordination of the National Border Council with the support of the armed forces.

4. Very little information was available regarding the health of adolescents and the delegation would have to base its remarks chiefly on the data concerning teenage pregnancy. Although the fertility rate had been constantly decreasing over the last decades, adolescent fertility still accounted for a considerable proportion of the total. The high levels of teenage pregnancy only served to exacerbate poverty. Most of the young women in the "unsatisfied basic needs" category who had had sexual experience had given birth. What was more, over 80 per cent of teenage mothers who had already borne one child expressed the intention of having more children. For every 1,000 cases of sexually transmitted diseases, 134 occurred among 12-18 year olds. Child birth complications were the third most frequent cause of adolescent deaths and the child mortality rate was a third higher in the cases of children born to mothers under 20 years of age.

5. As far as education was concerned, about 50 per cent of more affluent young people up to 24 years of age attended an educational institution on a regular basis. However, the percentage fell to 35 per cent in the "unsatisfied basic needs" category. A significant proportion of teenage mothers did not complete basic education and out of every 10 who had had a child, only one remained in the educational system. The break-up of families and the increasing number of single-parent families were increasingly serious

problems in Venezuela. Women were often the heads of single-parent households, yet they earned far less than their male counterparts.

6. Replying to questions 24 to 26, he underscored the fundamental role of the family in children's education. Great care was being taken by the Government to expand classroom libraries in both rural and urban schools. At all levels of official education, priority was being shifted to the rural, border and indigenous sectors. The Government had also established a strategy for strengthening higher education to achieve greater efficiency, quality, productivity and self-management. A larger number of students with special educational needs had been integrated into the mainstream educational programme. To meet the demands of the oil sector in particular, the National Institute for Education Cooperation (INCE) had launched a programme to train human resources in line with the industry's requirements in cooperation with the International Centre for Education and Development. Government measures included efforts to make use of modern technologies to promote children's rights, including sexual and reproductive rights.

7. The CHAIRPERSON invited the Committee members to pose additional questions on the areas just covered as well as on civil rights and freedoms and family environment and alternative care.

8. Mr. DOEK thanked the delegation for the detailed information provided on health, especially with regard to teenage pregnancy. However, considering the gloomy picture that had been painted, what did the Government intend to do to improve the situation? How did the Government plan to improve access to health services for rural and indigenous populations? There also seemed to be difficulty maintaining the schedule of immunization programmes.

9. Turning to the question of the provision of health care for the children of contributing workers, he expressed concern for the fate of the remaining 60 per cent of children, especially in view of the dismantling of the Venezuelan Social Security Institute (IVSS) and the privatization of the sector. He further questioned the imbalance in the budgetary allocation for education, half of which was earmarked for the universities. Considering that only a third of students continued their education after elementary level, it appeared that the majority did not benefit proportionately from the education budget. What remedy did the Government propose in that respect? Also, in view of the large number of teacher training institutions that had been closed, he wondered whether the Government had any plans to improve the quality of teaching, since it was important to have qualified teachers at the elementary level.

10. Mrs. SARDENBERG pointed out that the issues being discussed in the Committee could be taken into account within the context of the country's constitutional reforms, especially of the social chapter. Supporting Mr. Doek on the budgetary issue, she noted that the Committee would prefer States to identify child-welfare issues in their budgets. The Government should pay urgent attention to the cases of undocumented children who were unable to complete their schooling.

11. Mrs. EL GUINDI, later supported by Mrs. Ouedraogo, inquired about the status of the breast milk promotion programme. Furthermore, what measures

were being taken to improve the legal remedies open to women who were victims of domestic violence, and what was being done to change general attitudes towards that problem?

12. Mrs. OUEDRAOGO, recalling that 11 of the country's 160 maternity hospitals were reportedly "baby-friendly", asked whether the Government intended to improve that number in view of the high incidence of teenage pregnancies. Referring to the transformation of the Food Allowance Programme into the Family Subsidy Programme, she wondered what progress had been made and what measures had been taken to ensure that children really benefited from the programme. Alluding to paragraph 172 of the country's report (CRC/C/3/Add.54) and the downward trend in primary education coverage, she wondered what plans had been put in place to improve efficiency and to find an appropriate solution to the problem. What was the status of the new plan of action in education policy and how did it fit into the context of the National Educational Commitment presented by the National Council on Education? Lastly, were children allowed to participate in decisions relating to their education, at the administrative and classroom levels?

13. Mrs. KARP said that she was aware that the Ministry of Education had adopted a programme to incorporate human rights into school curricula, and asked how it had advanced. Had any evaluation been done, or any specific material been distributed? Had teaching staff been trained in the teaching of human rights, which could not be done using traditional methods? There had been a programme to bring the education system into line with United Nations standards. What was the status of that programme, and had it been subject to any evaluation? She would also like to know whether corporal punishment was prohibited in schools and in the juvenile justice system, and if so, what practical measures had been taken against it. Was there any move in Venezuela to combat corporal punishment in the family? Had the authorities taken steps to encourage alternative measures, for example through parents' schools and hotlines or other campaigns?

14. Mrs. OUEDRAOGO asked, in the light of the high number of teen pregnancies, whether adolescent mothers were afforded the opportunity to continue their education. She inquired as to what sort of treatment was reserved in the education system for children with learning disabilities, and if any measures had been taken to reduce the disparity between education standards in rural and urban areas. The press had reported that the Government had closed 134 schools in 1996 and the first half of 1997 for security reasons or because of poor performance. Had those schools since reopened? If not, what solution had been found for pupils who had attended those establishments?

15. Mrs. TIGERSTEDT-TÄHTELÄ noted that the country was facing an economic recession, while the standard of living had fallen and the education and health systems had deteriorated in the last 10 years. She asked to what extent the Government would, in such conditions, be able to implement Agenda Venezuela, which put forward some very ambitious programmes in the social sphere. What were the prospects for the economy? Did the Government work with multilateral or bilateral aid programmes to improve the country's economic outlook?

16. Mr. MICHELENA (Venezuela) said the Government considered the question of teenage pregnancy to be of prime importance. To deal with that problem the Ministry of Health and Social Welfare had been working, through the Commission for the Prevention of Early Pregnancy on a national five-year programme scheduled to begin in 1999. The aims were to strengthen the 24 regional commissions working to forestall teenage pregnancy and to ensure that a national legal framework for that question would be established during the administrative reform of the executive branch.

17. Three health-care services coexisted in Venezuela: a private system, a public one which was free of charge, and a third which was provided by the social security system with funding from workers and employers. The Government was restructuring the social security system and the health services, and a proposal to create a single health system was under consideration. In theory, children and families not covered by the social security system were able to receive care through the Ministry of Health and Social Welfare's public hospitals, which were free, for both outpatient and in-patient care. Those facilities had, however, been severely affected by budget cutbacks.

18. A special effort was being made to support primary education, for example through the construction of new schools as part of the plan for the year 2000. In 1999, approximately 500 primary schools had opened. The State was facilitating access to university courses for primary, secondary and university teaching staff. The Government had taken steps to ensure that no children would be excluded from the school system, for example by issuing a decree in 1998 allowing undocumented children access to public secondary establishments (colegios). As for food and assistance programmes for children provided through their families or their schools, the Government had, with the assistance of the Inter-American Development Bank, the International Monetary Fund and the World Bank, implemented programmes to attenuate the effects of structural adjustment on vulnerable groups, and on children in particular.

19. Mr. RODRÍGUEZ CEDEÑO (Venezuela) said that despite the budgetary constraints it faced, the Government had sold public property to finance the repair, renovation and refurbishment of schools, many of which had been left in a state of disrepair. Over and above the 500 schools opened in 1999, resources had been allocated for a large number of mobile facilities (ambulatorios). Breastfeeding was a recognized right ensured under Venezuelan labour law. Venezuela had taken part actively in the recent work of the International Labour Conference on the adoption of a revised Maternity Protection Convention, and was attempting to include some of its provisions in national laws and regulations. Apart from human rights instruction in Ministry of Defence officer training programmes, human rights, including the rights of the child, had also been incorporated in specific programmes for secondary schools. The Government would try to ensure that human rights, the protection of the person, international humanitarian law and refugee law would be covered in future programmes.

20. As was the case with most developing countries, Venezuela had suffered from the negative effects of globalization, structural adjustment and external debt. The Government was seeking to place the human person at the centre of development and of all aspects of economic life in the country. The economy

was very dependent on oil production, and the recent increase in oil prices from US$ 7 to nearly US$ 20 had brought welcome relief. As in any country undergoing political restructuring, foreign investment had naturally slackened, but there were signs that it was reviving and it was hoped that it would increase in the coming years.

21. A national council was responsible for implementing an anti-drugs programme at schools and other educational establishments and for explaining the hazards of drug use and drug trafficking, alongside other public and private campaigns. The dangers of drug use were regularly explained at schools.

22. The fact that human rights had been included in school curricula was in itself a step forward. The national teacher training school included courses in human rights, international humanitarian law and refugee law, albeit at a basic level. It would be difficult, a mere three years after the introduction of such subjects in the curricula, for any country to evaluate the resulting impact, and all the more so a developing country such as Venezuela. As far as he knew, no evaluation was planned.

23. Referring to the section of the list of issues (CRC/C/Q/VEN/1) on special protection measures and specifically to questions 27, 28 and 30, he said that Venezuela was a party to the 1967 Protocol relating to the Status of Refugees, and that the right to asylum was recognized as a human right. An inter-institutional technical committee had recently been established not only to consider the problem of refugees and displaced persons but also to set up a legal mechanism for the consideration of asylum requests. One of the main thrusts of its work would no doubt be the protection of vulnerable groups, including children, and especially unaccompanied minors. Venezuela had not received refugees in the strictly legal sense as established by the 1967 Protocol.

24. There was no conflict zone between Venezuela and Colombia, but rather a certain situation which affected the security of people living in the border regions of both countries. There were no counter-insurgency operations or military clashes on Venezuelan territory, although certain security problems had arisen.

25. The economic exploitation of children was a major scourge throughout the developing world, and Venezuela was no exception. The Ministries of Labour, Social Development and the Family were, along with other institutions, implementing a programme for the elimination of the most hazardous forms of child labour. Venezuela had concluded an agreement in that respect with the International Programme on the Elimination of Child Labour (IPEC), an International Labour Organization programme funded through voluntary contributions from the Governments of Spain, the United States and other sources. Children were concentrated in the informal sector in certain regions in Venezuela. IPEC and the Government had been in contact since 1998, and there was a possibility that the Government would receive funds in support of national programmes against child labour.

26. The CHAIRPERSON invited the members of the Committee to ask questions relating to special protection measures.

27. Mr. RABAH requested details concerning the eradication of child labour, in the framework of the 1996 memorandum of understanding signed by the International Labour Organization and the Venezuelan Government, and called for statistics on the practical implementation of ILO Convention 138 concerning the minimum age for admission to employment. He also requested disaggregated statistics on juvenile offenders, detention centres and the incidence of their detention alongside other offenders, and asked about what legal assistance was provided and the relationship between the centres and parents.

28. Ms. EL GUINDI noted that Venezuelan minors were often detained in identical conditions to adults, without regard to their status and rights. She also sought an explanation of the provision in the Penal Code whereby rapists went unpunished if they subsequently married their victim, which contradicted all basic human rights.

29. Mr. DOEK, referring to the survey on working children conducted by the National Children's Institute (INAM), asked whether the basic problem with implementation of the ILO/IPEC programme was financial, and whether it focused on children under 14 or other targets. The Committee needed more information on the status of Venezuela's plan and on steps being taken to ratify the new ILO Convention 182 on the Worst Forms of Child Labour.

30. While INAM data on the juvenile justice system included specific figures on child detainees, he wondered by what process the children arrived in detention centres. For instance, under the Minors' Protection Act (MPA), the courts could apparently take the decision to place children in such centres, even with other offenders of 18 and over. Was that a penalty stipulated by the MPA? He also requested data specific to detention centres, as opposed to treatment and other non-punitive centres. How did the system work? What was the courts' role under the MPA in dealing with juvenile offenders?

31. Ms. SARDENBERG stressed how important it was for Venezuela's adoption system to be brought into line with all the principles enshrined in the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, in the light of its ratification. One topic that bore further examination was the fact that the central authority responsible for child protection (INAM) was also responsible for adoption. Another was the fact that judges could hand children over directly, even for international adoption. She also recommended that human rights should be introduced not only in regular school and university curricula, but also in those of training schools for the security forces, so as to equip them to apply the new Organic Law shortly to be enacted. Greater international cooperation with United Nations agencies and national and international non-governmental organizations (NGOs) could help solve certain problems, such as those caused by the frequent crossing of Colombians into Venezuela for political reasons, given the lack of pertinent national legislation. Since paragraph 192 of Venezuela's supplementary report (CRC/C/3/Add.59), which dealt with sexual exploitation, acknowledged the lack of rigorous qualitative or quantitative research, she suggested that a study be conducted in order to clarify a situation in which many taboos persisted and family members were all too often involved.

32. Mrs. KARP, endorsing previous questions concerning the juvenile justice system, wondered what the statement that under-18s were not criminally responsible really signified. True they could not be formally punished, but how were they actually treated by the authorities? If detained, they were placed in centres, without due process of law, which was tantamount to imprisonment. Was different treatment envisaged under the new Code of Criminal Procedure so that children could enjoy the same rights as adults in the criminal justice system? Since the programme for children with special needs in INAM centres had suffered on account of declining budgetary and other assistance, what was being done to encourage suitable treatment for such children? Detention was currently subject to a three-month discretionary extension, without the child appearing before a judge; the Committee therefore needed much more information about the new legislation governing the juvenile justice system.

33. On the subject of child labour, while applauding the ratification of ILO Convention 138, she wished to know, given the dissolution of the department in the Ministry of Labour formerly responsible for inspection, which body currently conducted inspections, whether violators were brought to trial, and exactly how ILO Convention 138 was being implemented. In view of reports of the existence of child trafficking and sexual abuse in INAM, she would like information on monitoring procedures to be included in the written replies.

34. Mr. RODRÍGUEZ CEDEÑO (Venezuela), replying to Mr. Doek's question, said that while funds were available for implementing the IPEC programme, the process was being revised, which had brought some projects to a standstill. A national campaign was underway progressively to eradicate paid labour by children under 12, dangerous work, and employment that impeded school attendance. The programme had been set up in 1995 and launched in 1997; it involved the Central Coordination and Planning Office of the Office of the President of the Republic (CORDIPLAN), civil society, NGOs and some employers' associations, and covered health, education, labour, family and youth.

35. Replying to Ms. Sardenberg's question concerning refugees crossing the country's international borders, he said that Venezuela respected its international commitments. The executive committee, which he chaired, had recently initiated dialogue with the Governments involved. The idea was not to set up new nuclei of refugees, but to provide transit and temporary protection and promote voluntary repatriation in safe conditions.

36. In reply to question 32 on the list of issues, he said that policies and programmes had been devised to combat sexual exploitation and to stiffen penalties. Such programmes included sexual and reproductive health, covering sexually transmitted diseases (STDs), HIV-AIDS, sexual abuse and exploitation, psychological guidance for parents, and preparation for motherhood.

37. He thanked Committee members for their questions, since one of the treaty bodies' tasks was to encourage countries to bring their measures into line with their international commitments. He would transmit their comments to his Government and reply in writing by October. While reaffirming his Government's will to comply with the Convention, he explained that the country was experiencing a positive but difficult transition process.

38. Ms. SARDENBERG suggested that when reporting to the Committee on its institutional structures, the delegation should furnish information as to whether the Organic Law included the administration of juvenile justice, or whether Venezuela had other plans for addressing the problem of untenable conditions in detention centres. It transpired that children in conflict with the law were also often poor or abandoned, and it was vital that political and strategic support be forthcoming to protect those at risk. Venezuela was currently in a situation where many things were being called into question. The Convention on the Rights of the Child could be useful as an instrument that placed children in the forefront of the country's concerns.

39. The CHAIRPERSON said that since the Committee's mandate covered all children's rights, which were indivisible, she suggested that the delegation submit all its replies together in writing when it was in a position to do so.

40. Mr. RODRÍGUEZ CEDEÑO (Venezuela) concurred.

41. At the suggestion of the CHAIRPERSON, discussion of the preliminary observations and concluding remarks on the report of Venezuela was postponed.

42. The CHAIRPERSON thanked the delegation for its replies to Committee members, whose detailed questions attested to concern for Venezuelan children, and transmitted her best wishes to the First Lady, who had been unable to attend. She hoped that, with international support, the country would meet its goal of healthy development of the child.

The meeting rose at 5.15 p.m.